



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

28 SEPTEMBER 2022

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 6:35pm.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Tim Elstone
Councillor Brian Beaumont
Councillor Steve Cooper
Councillor Peter Crisp
Councillor Steve Heywood
Councillor Daniel Linklater
Councillor Jane MacAllister
Councillor Susan Nichols
Councillor Jo Rodda

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant to General Manager)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Councillor Elstone advised that he had a pecuniary/interest in Item 9.5 as he has previously declared an interest in this item.

Councillor Cooper advised that he had a pecuniary/interest in Item 9.5 as his business may be involved in marketing the land in this subdivision.

Director Geoff Gunn advised that he had a non-pecuniary interest in Item 12.5 as the potential contractor to undertake the works is a family member.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 17 August 2022 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 17 August 2022 be confirmed as amended.

Moved Cr. MacAllister, Seconded Cr Crisp

CARRIED UNANIMOUSLY

Recommendation

That the Minutes of the Extraordinary Meeting held 12 September 2022 be confirmed as circulated.

Council Resolution

That the Minutes of the Extraordinary Meeting held 12 September 2022 be confirmed as circulated.

Moved Cr. Nichols, Seconded Cr Crisp

CARRIED UNANIMOUSLY

Council Resolution

That the Ordinary Council meeting be adjourned for the purpose of conducting a Public Forum. The meeting was adjourned at 6:40PM.

Moved Cr Linklater, Seconded Cr Cooper

CARRIED UNANIMOUSLY

Mr Bob Wheeldon spoke to Item 9.10

Mr James Golsworthy spoke in favour of Item 9.12

Mr Jason Underhill spoke against Item 9.13

Mayor Elstone thanked Michele Bos for her work with Council in Planning and wished her the best for her future endeavours.

Council Resolution

That Council reconvenes into open session and that the recording of the meeting be recommenced.

Moved Cr Linklater, Seconded Cr Cooper

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/546

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

The Outstanding Actions report provides details of activities raised at previous Council meetings that remain outstanding.

Officer Recommendation

That Council receives and notes the list of outstanding matters as at 19 September 2022.

Council Resolution

That Council receives and notes the list of outstanding matters as at 19 September 2022.

Moved Cr Rodda, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/22/547

Recommendation

That Council receives and notes the information contained in the Mayoral report.

Council Resolution

That Council receives and notes the information contained in the Mayoral report.

Moved Cr. Elstone, Seconded Cr Linklater

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGERS REPORT

File Number: RPT/22/548

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

The General Manager's report details information pertaining to meetings attended and general information which are of public interest, and which have not been reported elsewhere in this agenda. Items of note in this report are:

1. OLG Circulars
Circular 22-23 to 22-27
2. Meetings
As listed
3. Upcoming meetings or events
As listed
4. Other items of note

Recommendation

That Council receives and notes the information contained within the report from the General Manager.

Council Resolution

That Council receives and notes the information contained within the report from the General Manager.

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

Cr Beaumont provided a verbal report regarding the Industry Networking Forum that he attended.

9.2 STATUTORY MEETING ITEM - COUNCIL MEETING DATES AND TIMES

File Number: RPT/22/524

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.4 Provide strong leadership and work in partnership to strategically plan for the future

Summary

The purpose of this report is to set the dates and times for the ordinary meetings of council for the next twelve months..

Recommendation

That the Ordinary meetings of council be held in the Council Chambers Wentworth at a nominated time on the following days:-

- Wednesday 26 October 2022
- Wednesday 16 November 2022
- Wednesday 14 December 2022
- Wednesday 15 February 2023
- Wednesday 15 March 2023
- Wednesday 19 April 2023
- Wednesday 17 May 2023
- Wednesday 28 June 2023
- Wednesday 19 July 2023
- Wednesday 16 August 2023
- Wednesday 20 September 2023

Council Resolution**Amendment**

That the Ordinary meetings of council be held in the Council Chambers Wentworth at 7:00pm on the following days with the Council Briefing commencing at 5:00pm :-

- Wednesday 26 October 2022
- Wednesday 16 November 2022
- Wednesday 14 December 2022
- Wednesday 15 February 2023
- Wednesday 15 March 2023

- Wednesday 19 April 2023
- Wednesday 17 May 2023
- Wednesday 28 June 2023
- Wednesday 19 July 2023
- Wednesday 16 August 2023
- Wednesday 20 September 2023

Moved Cr Beaumont, Seconded Cr. Heywood

CARRIED

For the Motion : ***Clr.s Beaumont, Cooper, Elstone, Heywood and Rodda.***

Against the Motion: ***Clr.s Crisp, Linklater, MacAllister and Nichols.***

9.3 STATUTORY MEETING ITEM - REVIEW OF INTERNAL COMMITTEES

File Number: RPT/22/523

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.4 Provide strong leadership and work in partnership to strategically plan for the future

Summary

The Statutory meeting of Council is an opportunity for Council to review the committee structure that it requires for the upcoming 12 month period. Council is able to determine the number and type of committees that it wishes to establish and the functions of each committee.

For reference Attachment 1 provides a list of committees put in place in January 2022.

Recommendation

That Council:

- a) Determine its preferred Committee structure for the upcoming 12 month period
- b) Determine the Councillor representation on the Internal Committees and User Groups

Council Resolution

That Council:

- a) Determined its preferred Committee structure for the upcoming 12 month period as follows:
That the Committees and User Groups remain the same with an addition of a Heritage Advisory Committee.
- b) Determined the Councillor representation on the Internal Committees and User Groups as follows:
That Committee and User Group representation remain the same except Cr Nichols be added to the Floodplain Risk Management Committee and the Wentworth Showgrounds User Group, Cr MacAllister be an alternate for the Carramar Drive Sporting Complex User Group and the James King Park User Group, Cr Heywood be an alternate for the George Gordon Oval User Group and Cr Cooper be added to the Wentworth Sporting Precinct User Group.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.4 STATUTORY MEETING ITEM - REVIEW OF EXTERNAL COMMITTEES

File Number: RPT/22/525

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.4 Provide strong leadership and work in partnership to strategically plan for the future

Summary

In order to respond to the needs of its community, Council annually reviews the External Committees to which it has appointed representatives.

The nominated representatives on each committee are responsible for providing a delegate's report to Council. As a Council representative on external committees the Councillors attend as observers, as such Councillors do not have voting rights unless the specific external committee charter nominates that they do.

Recommendation

That Council considers the list of External Committees and determines appropriate representation.

Council Resolution

That Council determines that the Committees and representation remain the same except the Mayor be added to the Murray Darling Association (Region 4) Committee, Cr MacAllister be added to the NSW Lock 8 & 9 SDLAM Stakeholder Advisory Group (SAG) and the Wentworth Shire Health Interagency Group and Cr Nichols be added to the Western Division of Councils.

Moved Cr Crisp, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.5 DISPOSAL OF VACANT LAND FOR THE JUNCTION LINKS DEVELOPMENT

File Number: RPT/22/549

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 2.0 Wentworth Shire is a great place to live
Strategy: 2.1 Continue to create opportunities for inclusion where all people feel welcome and participate in community life

Summary

The purpose of this report is to advise Council of a change to the purchaser's name of the Junction Links Development site and provide a resolution for the execution of the documentation to reflect that change and affix the Council Seal.

At 07:55 pm Councillor Steve Cooper left the Council Chambers.

At 07:55 pm Councillor Tim Elstone left the Council Chambers.

Recommendation

That Council authorises the Deputy Mayor and the General Manager to sign the contract documentation and affix the Council seal.

Council Resolution

That Council authorises the Deputy Mayor and the General Manager to sign the contract documentation and affix the Council seal.

Moved Cr. Nichols, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

At 07:56 pm Councillor Steve Cooper returned to Council Chambers.

At 07:56 pm Councillor Tim Elstone returned to Council Chambers.

9.6 UNION PICNIC DAY

File Number: RPT/22/550

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Glen Norris - Manager Human Resources

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.3 An effective and efficient organisation

Summary

Union Picnic Day is an entitlement under the Local Government (State) Award for employees who are financial members of Union(s) only. Council is required to determine which day shall be regarded as the Union Picnic Day and the arrangements for the non-union members on the determined Union Picnic Day.

Recommendation

That Council:

- a) Approves Tuesday 1 November 2022 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union;
- b) Authorise the closure of Council Offices, Council Depots, Libraries, Landfills and Visitor Information Centre
- c) Requires Non-union members to apply for 1 November 2022 from leave entitlements to enable the above arrangements.

Council Resolution

That Council:

- a) Approves Tuesday 1 November 2022 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union;
- b) Authorise the closure of Council Offices, Council Depots, Libraries, Landfills and Visitor Information Centre
- c) Requires Non-union members to apply for 1 November 2022 from leave entitlements to enable the above arrangements.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.7 CHRISTMAS LEAVE ARRANGEMENTS

File Number: RPT/22/551

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Glen Norris - Manager Human Resources

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.3 An effective and efficient organisation

Summary

This report sets out the proposed staffing arrangements for Council offices/areas closing over the Christmas and New Year period.

Recommendation

That Council approves the Christmas and New Year holiday arrangements.

Council Resolution

That Council approves the Christmas and New Year holiday arrangements.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.8 MONTHLY FINANCE REPORT

File Number: RPT/22/565

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

Rates and Charges collections for the month of August 2022 were \$2,921,363.72. After allowing for pensioner subsidies, the total levies collected are now 32.68%. For comparison purposes 33.58% of the levy had been collected at the end of August 2021. Council currently has \$44,605,727.11 in cash and investments.

Recommendation

That Council receives and notes the Monthly Finance Report.

Council Resolution

That Council receives and notes the Monthly Finance Report.

Moved Cr Linklater, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.9 MONTHLY INVESTMENT REPORT

File Number: RPT/22/561

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

Summary

As at 31 August 2022 Council had \$37 million invested in term deposits and \$7,605,727.11 in other cash investments. Council received \$13,711.05 from its investments for the month of August 2022.

In August 2022 Council investments averaged a rate of return of 2.04% and it currently has \$8,400,217.07 of internal restrictions and \$23,722,650.62 of external restrictions.

Recommendation

That Council receives and notes the monthly investment report.

Council Resolution

That Council receives and notes the monthly investment report.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.10 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 RURAL LAND PLANNING CONTROLS PLANNING PROPOSAL

File Number: RPT/22/559

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.1 Promote the Shire as an ideal location for investment and the establishment of innovative, sustainable and diversified industries

Summary

Wentworth Shire Council resolved to proceed with a Planning Proposal to amend planning provisions in the Wentworth Local Environmental Plan 2011 (WLEP) that specifically relate to rural land, at its Ordinary Meeting held 20 October 2021.

The Department of Planning and Environment (DPE) issued a Gateway Determination to proceed on 11 February 2022.

The Planning Proposal sought to amend the following provisions:

- RU1 Primary Production land use table
- Part 4 Principal Development standards relating to rural land
- Part 5 Miscellaneous provisions Clause 5.5
- Schedule 1 Additional permitted uses

Public exhibition and state agency consultation was conducted in accordance with the Gateway Determination. Two (2) public submissions and one (1) state agency objection were received.

As an outcome of public exhibition and agency consultation, the following amendments have been made to the Planning Proposal:

- Introduce RU4 Primary Production Small Lots zone over irrigation districts
- Addition of reference to RU4 Primary Production Small Lots in applicable Part 4 Principal Development standards
- Rezone Pooncarie, Wentworth and Dareton waste/landfill sites to SP2 Infrastructure
- Additional development criteria for permitted with consent uses (Tourist and visitor accommodation, Hazardous and Offensive industry (Heavy industry), Self-storage units, Transport depots, Truck depots, Vehicle repair stations)

This report seeks Council endorsement of the final Planning Proposal V3 and approval to proceed with finalisation of the amendment to the Wentworth Local Environmental Plan 2011.

Recommendation

- a) That Council endorse the post exhibition and consultation amendments made to the

Rural Land Planning Controls Planning Proposal (Version 3) as outlined in this report.

- b) That Council, as the plan-making authority, resolve to proceed with the finalisation of the Planning Proposal in accordance with section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- c) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council:

- a) Endorse the post exhibition and consultation amendments made to the Rural Land Planning Controls Planning Proposal (Version 3) as outlined in this report.
- b) As the plan-making authority, resolve to proceed with the finalisation of the Planning Proposal in accordance with section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- c) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr Crisp, Seconded Cr Rodda

CARRIED

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : ***Clr.s Cooper, Crisp, Heywood, MacAllister, Nichols and Rodda.***

Against the Motion: ***Clr.s Beaumont, Elstone and Linklater.***

9.11 NSW DEPARTMENT OF PLANNING AND ENVIRONMENT - AGRITOURISM REFORMS

File Number: RPT/22/593

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region

Strategy: 1.1 Promote the Shire as an ideal location for investment and the establishment of innovative, sustainable and diversified industries

Summary

A report was tabled at Council's Ordinary Meeting, held 16 February 2022, advising of the Department of Planning & Environment's intent to draft an amendment to the Standard Instrument (Local Environmental Plans) Order 2006 to facilitate agritourism.

The report required Council to nominate the rural zones where agritourism will be permissible. Council resolved to include Agritourism as permissible with consent in the RU1 Primary Production and C4 Environmental Living zones.

As a result of an amendment to the Rural Land Planning Controls Planning Proposal, which makes a recommendation for the addition of the RU4 Primary Production Small Lots zone to the Wentworth Local Environmental Plan 2011, Council should determine if agritourism uses are to be permissible within that new zone and advise the Minister for Planning and Homes accordingly.

Recommendation

That Council:

1. Resolve to advise the Minister for Planning and Homes that the RU4 Primary Production Small Lots zone is to include Agritourism as permissible with consent.
2. That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council:

- a) Resolve to advise the Minister for Planning and Homes that the RU4 Primary Production Small Lots zone is to include Agritourism as permissible with consent.
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr. MacAllister, Seconded Cr Crisp

CARRIED UNANIMOUSLY

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : ***Clr.s Beaumont, Cooper, Crisp, Elstone, Heywood, Linklater, MacAllister, Nichols and Rodda.***

Against the Motion: ***Nil.***

9.12 REVIEW OF DETERMINATION DA2021/051

File Number: RPT/22/494

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Matthew Carlin - Director Health and Planning

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

Council has received an application from James Golsworthy Consulting on behalf of their client for a review of determination for DA2021/051. This DA was approved by Council as a three (3) lot boundary realignment – see Attachment 1.

This request for Review of Determination is specifically seeking to remove condition No. 9 of the Notice of Determination which prohibits the erection of dwellings on Lots 1 and 2 – see Attachment 2.

This Review of Determination is being presented to Council for assessment and a decision under section 8.3 of the *Environmental Planning and Assessment Act 1979*.

Recommendation

That Council resolve to confirm the original Notice of Determination issued for DA2021/051 and retain condition 9 prohibiting dwellings on Lots 1 and 2.

That a division be called in accordance with S375A of the Local Government Act 1993

Council Resolution

That Council:

- a) Resolve to confirm the original Notice of Determination issued for DA2021/051 and retain condition 9 prohibiting dwellings on Lots 1 and 2.
- b) Call a division in accordance with S375A of the Local Government Act 1993

Council Resolution**Amendment**

That Council:

- a) Resolve to remove condition 9 from the original Notice of Determination issued for DA2021/051
- b) Call a division in accordance with S375A of the Local Government Act 1993

Moved Cr Linklater, Seconded Cr Crisp

CARRIED

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : *Clr.s Beaumont, Cooper, Crisp, Elstone, Heywood, Linklater, Nichols and Rodda.*

Against the Motion: *Clr. MacAllister.*

9.13 DA2021/050 STAGES 1 TO 6 (161 LOT SUBDIVISION) OF A 262 LOT SUBDIVISION LOT 2 & 3 DP 878007 AND LOT 2 DP 1014681 BURONGA

File Number: RPT/22/603

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Development Assessment Officer

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.1 Promote the Shire as an ideal location for investment and the establishment of innovative, sustainable and diversified industries

Summary

A development application (DA2021/050) was received by Council for a subdivision to be located at Lot 2 & 3 DP 878007 and Lot 2 DP 1014681 Buronga.

Under clause 2.6 of the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, subdivisions are permitted with consent. The proposed subdivision proposes to create Lots with areas ranging from 612 sqm to 4790 sqm.

The application was publicly notified three (3) times for 14 days as per Council Community Participation Plan. During the 3 notifications:

- Notification 1: 3 Submissions were received during the notification period
- Notification 2: 7 Submissions were received during the notification period
- Notification 3: 2 Submissions were received after the notification period

As no submissions were withdrawn by the submitters and some of the submissions over the 3 notification periods were by the same submitter, for the purpose of this development application, assessment was conducted under the assumption that eight (8) unique submissions were received.

As per Council delegations, any development applications with 3 or more submissions cannot be determined under delegated authority, and must be determined by Council.

Recommendation

1. That Council approve DA2021/050 being Stages 1 to 6 (161 Lot Subdivision) of a 262 Lot Subdivision located at Lot 2 & 3 DP 878007 and Lot 2 DP 1014681 Buronga
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Amendment

That Council request a condition that a service road be included within the subdivision that directs the traffic out to Melaleuca and the retention of the Jacaranda trees

Moved Cr Rodda

LAPSED

Council Resolution

That Council:

- a) Approve DA2021/050 being Stages 1 to 6 (161 Lot Subdivision) of a 262 Lot

- Subdivision located at Lot 2 & 3 DP 878007 and Lot 2 DP 1014681 Buronga
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr. Nichols, Seconded Cr Linklater

CARRIED

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : ***Clr.s Beaumont, Cooper, Crisp, Elstone, Heywood, Linklater and Nichols.***

Against the Motion: ***Clr.s MacAllister and Rodda.***

9.14 RE-ESTABLISHMENT OF ALCOHOL FREE ZONES

File Number: RPT/22/608

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Matthew Carlin - Director Health and Planning

Objective: 2.0 Wentworth Shire is a great place to live
Strategy: 2.3 To have a safe community

Summary

In accordance with the provisions of the Local Government Act, an Alcohol Free Zone may be re-established from time to time for further periods each not exceeding four years.

The expiry date for all Alcohol Free Zones was 30 June 2022. Therefore, Council needs to endorse the re-establishment of the current Alcohol Free Zones in place for Wentworth, Dareton and the Buronga Wetlands for a further period of four years.

Recommendation

That Council endorses a public consultation process to allow community input into the re-establishment of the Alcohol Free Zones at Wentworth, Dareton and the Buronga Wetlands

Council Resolution

That Council endorses a public consultation process to allow community input into the re-establishment of the Alcohol Free Zones at Wentworth, Dareton and the Buronga Wetlands

Moved Cr. Heywood, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.15 DELEGATED AUTHORITY APPROVALS AS AT END OF AUGUST 2022

File Number: RPT/22/563

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Kerrie Copley - Administration Officer

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural environment
Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

For the month of August 2022, a total of eight (8) Development Applications and two (2) S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$1,791,358.00. This brings the year to date total to seventy-one (71) Development Applications and thirty-four (34) S4.55 Applications approved, with an estimated development value of \$9,906,529.00

Recommendation

That Council:

- a) Receives and notes the report for the Delegated Authority Approvals for the month of August 2022.
- b) Publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the Environmental Planning and Assessment Act 1979, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) Calls a Division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council:

- a) Receives and notes the report for the Delegated Authority Approvals for the month of August 2022.
- b) Publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the Environmental Planning and Assessment Act 1979, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) Calls a Division in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr Crisp, Seconded Cr. MacAllister

CARRIED UNANIMOUSLY

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : ***Clr.s Beaumont, Cooper, Crisp, Elstone, Heywood, Linklater, MacAllister, Nichols and Rodda.***

Against the Motion: ***Nil.***

9.16 PROJECT & WORKS UPDATE - SEPTEMBER 2022

File Number: RPT/22/571

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Chanelle Pilling - Administration Officer

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural environment

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

Summary

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the month of August 2022 and the planned activities for September 2022.

Recommendation

That Council receives and notes the major works undertaken in August 2022 and the scheduled works for the following month.

That Council receives and notes the major works undertaken in August 2022 and the scheduled works for the following month.

Council Resolution**Amendment**

That Council receives and notes the major works undertaken in August 2022 and the scheduled works for the following month.

That Council seek funding for additional toilets at the Wentworth Showgrounds

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**10.1 STURT HIGHWAY BETWEEN WILGA ROAD AND THE GOL GOL CREEK**

Cr Jo Rodda advised that the area between Wilga Road and the Gol Gol Creek is being used as truck parking area. Can the area be modified so trucks can't park in this area.

10.2 TOURISM & EVENTS REPORT

Cr Jo Rodda requested that the Tourism & Promotions Manager provide a report to Council.

10.3 LOAM AT CARAVAN PARK

Cr Steve Heywood asked what depth the loam will be at the caravan park and could a comparison be made with the original tender.

10.4 ALCHERINGA DRIVE

Cr Daniel Linklater requested that Council consider widening Alcheringa Drive as a safety measure.

The Director of Roads and Engineering advised that this has been investigated and the seal width on the road is not wide enough for linemarking – the standard seal width is 6.2m and this road is currently less. It will require a shoulder build up and reseal.

10.5 OVERHANGING TREES ON ROAD

Cr Daniel Linklater asked who is responsible for trimming overhanging trees on Alcheringa Drive.

10.6 ANNABRANCH ROAD

Cr Steve Cooper asked if the Annabranche Road could be graded as there will be grain, wool and lambs being transported over the next few months.

10.7 FIREWOOD CUTTING

Cr Brian Beaumont advised he had received several comments about cutting of firewood along Log Bridge Road.

The Director of Health & Planning advised that this had been addressed as best as possible and more advisory signage may be the answer.

10.8 EXIT INTERVIEWS

Cr Jane MacAllister asked if there is a process for exit interviews for Councillors who leave the organisation.

10.9 PAVERS OUTSIDE CIVIC CENTRE

Cr Susan Nichols requested that the footpath be fixed outside the Civic Centre.

11 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

Despite the right of members of the public to attend meetings of a council, the council may choose to close to the public, parts of the meeting that involve the discussion or receipt of certain matters as prescribed under section 10A(2) of the Local Government Act.

With the exception of matters concerning particular individuals (other than councillors) (10A(2)(a)), matters involving the personal hardship of a resident or ratepayer (10A(2)(b)) or matters that would disclose a trade secret (10A(2)(d)(iii)), council must be satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

The Act requires council to close the meeting for only so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security being protected. (section 10B(1)(a))

Section 10A(4) of the Act provides that a council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Section 10B(4) of the Act stipulates that for the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:-

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may -
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Recommendation

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-

12.1 Plant Replacement - Approval for Tenders for Replacement Plant 504 Specialised Road Maintenance Truck VR2223/504. (RPT/22/560)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

12.2 PT2223/02 - Supply of Bulk Automotive Fuel Tender. (RPT/22/562)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d) (i) commercial information of a confidential nature that would, if

disclosed prejudice the commercial position of the person who supplied it. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

12.3 Bridge Lift and Maintenance - 12 Month Period PT2021/09 Tender Variation. (RPT/22/595)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

12.4 Project Management of the Wentworth Shire Civic Centre Redevelopment by GSD Architects. (RPT/22/610)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

12.5 Infrastructure Contribution - Subdivision Adjacent to Wentworth Aerodrome. (RPT/22/620)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

Council Resolution

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

Moved Cr Linklater, Seconded Cr Crisp

CARRIED UNANIMOUSLY

Council Resolution

That Council admits for consideration a supplementary late report from the Office of the General Manager as the information contained in the report requires a decision by the council before the next scheduled ordinary meeting of council.

Moved Cr. MacAllister, Seconded Cr Cooper

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 PLANT REPLACEMENT - APPROVAL FOR TENDERS FOR REPLACEMENT PLANT 504 SPECIALISED ROAD MAINTENANCE TRUCK VR2223/504

File Number: RPT/22/560

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Lisa Kalemkeridis - Administration Officer

Objective: 3.0 Wentworth is a community that works to enhance and
protect its physical and natural environment

Strategy: 3.4 Use and manage our resources wisely

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

The General Manager advised that Council accepted the tender from Johnsons Trucks for the supply of one (1) Hino GH1828 Specialised Road Maintenance Truck for the sum of \$349,500.00 inc GST and an expression of interest be sought from local community groups for the disposal of the trade in vehicle.

12.2 PT2223/02 - SUPPLY OF BULK AUTOMOTIVE FUEL TENDER

File Number: RPT/22/562

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

The General Manager advised that Council in accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, accepted the tender from Sunraysia Petroleum for the supply of Bulk Automotive Fuel in accordance with the submitted schedule of rates.

12.3 BRIDGE LIFT AND MAINTENANCE - 12 MONTH PERIOD PT2021/09 TENDER VARIATION

File Number: RPT/22/595

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Chanelle Pilling - Administration Officer

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural environment

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

The General Manager advised that Council approved a variation of \$44,530.00 inc GST for Bridge Lift and Maintenance Tender no 2021/09 with AM Electrical Contracting Pty Ltd.

**12.4 PROJECT MANAGEMENT OF THE WENTWORTH SHIRE CIVIC CENTRE
REDEVELOPMENT BY GSD ARCHITECTS**

File Number: RPT/22/610

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and
tourism destination

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

The General Manager advised that Council approved a variation of an additional \$100,000 excluding GST being allocated to GSD Architects for Contract PT1819/20.

12.5 INFRASTRUCTURE CONTRIBUTION - SUBDIVISION ADJACENT TO WENTWORTH AERODROME

File Number: RPT/22/620

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ken Ross - General Manager

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.1 Promote the Shire as an ideal location for investment and the establishment of innovative, sustainable and diversified industries

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

The General Manager advised that Council approved the amount of \$43,372 as a contribution to water infrastructure to service an eleven-lot subdivision adjacent to the Wentworth Aerodrome, Renmark Road.

13 CONCLUSION OF THE MEETING

Meeting Closed at 10:26 pm

NEXT MEETING

19 October 2022

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CHAIR